S.B. Criminal Misc. Bail Application No.3531/2006

Date : 22.08.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. S.D. Goswami for the applicants.
Mr. V.R. Mehta, Public Prosecutor.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

Learned counsel submits that no case is made out against the accused applicants though a case has been registered under Section 304B IPC and allegation is that accused applicants were responsible for death of the deceased. He submits that infact FIR has been lodged on the basis of wrong facts. According to learned counsel, immediately after incident statement of the deceased was recorded before the Tahsildar on 27.7.2002 as the Magistrate was not there wherein the deceased in her statement specifically stated that while she was preparing meal, she caught fire from the burning

stove. He submits that on the very same day police recorded statement of the deceased whrein nothing has been stated against the accused applicant and stated that she herself set her on fire by putting kerosene oil on her. He prays that in view of above circumstances, the applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully perused the material available on record.

Without expressing any opinion on the merit of the case and taking into consideration the overall facts and circumstances of the present case, I am of the opinion that in the instant case the accused applicants should be given benefit of bail under Section 439 Cr.P.C.

Accordingly, the bail application filed under Sec.

439 Cr.P.C. is allowed and it is directed that the applicants (1) Nimmo Devi wife of Purkha Ram and (2) Mukh Ram son of Purkha Ram shall be released on bail in FIR No.367/2002 P.S. Hanumangarh, provided each of them executes a personal bond in the sum of Rs.30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

vijayant